

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SYNKLOUD TECHNOLOGIES, LLC,

PLAINTIFF,

v.

DROPBOX, INC.,

DEFENDANT.

Civil Action No. 6:19-cv-00525-ADA

JURY TRIAL DEMANDED

DEFENDANT DROPBOX, INC.’S NOTICE OF SUPPLEMENTAL AUTHORITY

Defendant Dropbox, Inc. respectfully submits this Notice of Supplemental Authority in support of its Motion for Reconsideration (Dkt. No. 61) of Dropbox’s Opposed Motion to Transfer Venue to the Northern District of California (Dkt. No. 19). After the briefing on Dropbox’s Motion for Reconsideration was completed, the Federal Circuit issued its decision in *In re HP Inc.*, No. 2020-140 (Fed. Cir. Sept. 15, 2020). A copy of the *HP* decision is attached to this Notice as Exhibit A.

In *HP*, plaintiff sued HP and two foreign defendants in the Eastern District of Texas. *HP*, slip op. at 2. Pursuant to 28 U.S.C. § 1404(a), HP moved to transfer the case to the Northern District of California, where HP has its headquarters. *Id.* The district court denied the motion. *Id.* at 2-3. HP filed a petition for a writ of mandamus with the Federal Circuit, which granted HP’s petition. *Id.* at 1. The Federal Circuit held that the district court erred in finding the willing-witness factor neutral because “HP had identified several witnesses in the Northern District of California that could testify at trial without having to travel away from their residences” and

because “no key witnesses appear to reside in the Eastern District of Texas.” *Id.* at 5. The district court also erred by weighing the compulsory-process factor against transfer. *Id.* at 6-7. Properly considered, that factor favored transfer because employees of HP’s business partners (though not specifically identified) were subject to compulsory process only in the Northern District of California. *Id.* The district court further erred by relying on its familiarity with the case, gained after the suit was filed, as a practical consideration weighing against transfer. *Id.* at 7.

The Federal Circuit’s *HP* decision supports Dropbox’s motion to transfer this case to the Northern District of California. Like HP, Dropbox has “identified several witnesses in the Northern District of California that could testify at trial without having to travel away from their residences.” *HP*, slip op. at 5; *see* Dkt. No. 19 at 8-9; Dkt. No. 61 at 9. Moreover, “no key witnesses appear to reside” in the Western District of Texas. *HP*, slip op. at 5; *see* Dkt. No. 61 at 8-9. And while HP generally identified companies with employees who would be subject to compulsory process only in the Northern District of California, here Dropbox went a step further by identifying former Dropbox employees as specific individuals who reside in the Northern District of California and the inventor of the asserted patent as someone who may reside in the Northern District of California and would be subject to compulsory process only in that district. Dkt. No. 68 at 2. Overall, multiple factors favor transferring this case to the Northern District of California. Although the Court has gained some familiarity with this case since the suit was filed (when the issues were new to the Court), the Court’s recent familiarity is not a practical consideration weighing against transfer. *HP*, slip op. at 7.

Dated: October 2, 2020

Respectfully submitted,

OF COUNSEL:

Gregory H. Lantier (*Pro Hac Vice*)
WILMER CUTLER PICKERING HALE
& DORR LLP
1875 Pennsylvania Avenue
Washington DC 20006
Tel: (202) 663-6000
Email: gregory.lantier@wilmerhale.com

/s/ J. Stephen Ravel

J. Stephen Ravel
Texas State Bar No. 16584975
KELLY HART & HALLMAN LLP
303 Colorado, Suite 2000
Austin, TX 78701
Tel: (512) 495-6429
Email: steve.ravel@kellyhart.com

Attorneys for Dropbox, Inc.

Liv Herriot (*Pro Hac Vice*)
WILMER CUTLER PICKERING HALE
& DORR LLP
950 Page Mill Road
Palo Alto, CA 94304
Tel: (650) 858-6000
Email: liv.herriot@wilmerhale.com

Monica Grewal (*Pro Hac Vice*)
Yvonne S. Lee (*Pro Hac Vice*)
WILMER CUTLER PICKERING HALE
& DORR LLP
60 State Street
Boston, MA 02109
Tel: (617) 526-6000
Email: monica.grewal@wilmerhale.com
Email: yvonne.lee@wilmerhale.com

Josh Furman, Ph.D. (*Pro Hac Vice*)
WILMER CUTLER PICKERING HALE
& DORR LLP
One Front Street, Suite 3500
San Francisco, CA 94111
Tel: (628) 235-1002
Email: josh.furman@wilmerhale.com

CERTIFICATE OF SERVICE

The undersigned certifies that on October 2, 2020 all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ J. Stephen Ravel _____

J. Stephen Ravel